

2008 AUG 12 AM 11:22
RE

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF DELAWARE

NINA SHAHIN)
Plaintiff)
v.)
)
PAMELA A. DARLING et al)
Defendant)

Civil Action No. 08-295 GMS

**MOTION FOR SANCTIONS AGAINST THE ATTORNEYS,
TEODORE J. SEGLETES, III AND NORMAN H. BROOKS, UNDER
RULE 11 OF FEDERAL RULES OF CIVIL PROCEDURES**

The Plaintiff, Nina Shahin, files this Motion for sanctions under Rule 11 against the attorneys, Theodore J. Segletes, III and Norman H. Brooks, Jr., of Marks, O'Neal, O'Brien & Courtney, P.C. for violation of Rule 11(b)(3) that requires that 'the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;" and Rule 11(b)(2).

1. On page 5 of their Brief in Support of their Motion to Dismiss in section 'Statement of Facts' after the opening paragraph that has a superscript reference '1' the attorneys made the following statement of fact: "In the third case, Plaintiff erroneously alleges that "[t]he original attorney, Gregory Morris (from the defendant's firm of Liguori, Morris and Yiengst) was substituted in violation of the provision of the [sic] rule 90(b) of the Superior Court Rules of Civil Procedure..." Complaint, pg. 4. However,

neither Mr. Morris nor his firm ever represented Del-One with regard to the third case". (Emphasis by bold is added by the Plaintiff).

The evidence in this case provides support to the contrary of the attorneys' assertions:

- The firm of Liguori Morris & Yiengst filed with the Superior Court 'Civil Case Information Statement' (CIS) indicating that the firm and the attorney represented Del-One in that particular case (recorded in the Superior Court under # 06C-10-027 RBY) (**Exhibit A**).
- On 11/15/2006 the attorney, Gregory A. Morris, filed 'Defendant's Answer to Complaint' in the third case along with the Defendant's Answer to Form 30 Interrogatories (**Exhibit B**).
- On 11/22/2006 the attorney, Gregory A. Morris, filed a 'Substitution of Counsel' motion with the Superior Court of Delaware that was mailed to the Defendant on the same day (**Exhibit C** - copy of the Motion; **Exhibit D** – copy of the envelope)
- On 11/22/2006 the firm of Young Conaway Stargatt & Taylor LLP filed a 'Substitution of Counsel' Motion specifically asking "Please withdraw the Appearance of Gregory A. Morris, Esquire, as attorney for the Defendant Del-One Delaware Federal Credit Union". (**Exhibit E**).

2. Both attorneys from the firm of Marks, O'Neal, O'Brien & Courtney, P.C have never notified the Plaintiff that they represent the firm of Liguori Morris & Yiengst, so the Plaintiff learnt about their representation only on 07/31/2008 at the office of the clerk of the federal District Court when she

filed her first Motion in Opposition to the Deputy Attorney's General Motion to Dismiss.

3. The attorneys failed to disclose the Supreme Court decision in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics* 403 U.S. 388 (1999) that is favorable to the Plaintiff as they are required to do in accordance with the requirement of canon 3.3 of the Delaware Attorneys' Rules of Professional Conduct and Rule 11(b)(2) of the Fed. Rules of Civil Procedure.

The Plaintiff, therefore, asks the Court to administer the appropriate sanctions against the Attorneys, Theodore J. Segletes, III and Norman H. Brooks representing the firm of Marks, O'Neal, O'Brien & Courtney, P.C.

Submitted on this 12th day of August of 2008.

For Plaintiff:



Nina Shahin

103 Shinnecock Rd.
Dover, DE 19904
Tel. # 302-678-1805

Date: August 12th, 2008

EXHIBIT A

SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)

COUNTY: N K S

CIVIL ACTION NUMBER: 06C-10-027 RBY

Civil Case Code CPIN

Civil Case Type Personal Injury

(SEE REVERSE SIDE FOR CODE AND TYPE)

Caption: Nina Shahin,
Plaintiff,
v.
DEL-ONE DELAWARE FEDERAL CREDIT UNION,
Formerly, DE FEDERAL CREDIT UNION
Defendant.

Name and Status of Party filing document:
 Rene Thompson, representative of Defendant

Document Type: (E.G.; COMPLAINT; ANSWER WITH COUNTERCLAIM)
 Answer to Complaint

Non-Arbitration _____
 (CERTIFICATE OF VALUE MAY BE REQUIRED)

Arbitration _____ Mediation _____ Neutral Assessment _____

DEFENDANT (CIRCLE ONE) **ACCEPT** **REJECT**

JURY DEMAND YES _____ No X

TRACK ASSIGNMENT REQUESTED (CIRCLE ONE)

EXPEDITED **STANDARD** **COMPLEX**

ATTORNEY NAME(S):
Gregory A. Morris

ATTORNEY ID(S):
3014

FIRM NAME:
Liguori Morris & Yiengst

ADDRESS:
46 The Green

Dover, DE 19901

TELEPHONE NUMBER:
302-678-9900

FAX NUMBER:
302-678-3008

E-MAIL ADDRESS:
gam_lmy@msn.com

IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT
BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS

EXPLAIN THE RELATIONSHIP(S):

OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:

(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGE)

THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER, OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

EXHIBIT B

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY**

NINA SHAHIN,	: C.A. NO.: 06C-10-027 RBY
	:
Plaintiff,	: NON-ARBITRATION
	:
v.	:
	:
DEL-ONE DELAWARE FEDERAL	:
CREDIT, UNION, Formerly DE	:
FEDERAL CREDIT UNION	:
Defendant.	:

DEFENDANT'S ANSWER TO COMPLAINT

NOW COMES, the Defendant, by and through their attorneys, Liguori Morris & Yiengst, and responds to the complaint as follows:

1. Admitted.
2. Admitted.
3. Denied.
 - Admitted a mistake was made by Defendant but it was corrected by them.
 - First sentence—Admitted.

Second sentence—Admitted.

Third sentence—Admitted.

Fourth sentence—Admitted.

Fifth sentence—Admitted that a letter was sent advising Plaintiff the loan had been denied.

Sixth sentence—Denied.

Seventh sentence—Denied.

- First sentence—Admitted.

Second sentence—Denied.

Third sentence—Admitted that Plaintiff contacted Lisa Brewer and

Ms. Brewer made a phone call to verify the availability of funds.

Fourth sentence—Admitted. No apology was given since none was necessary.

- First sentence—Defendant is without sufficient information to admit or deny this allegation therefore it is denied.

Second sentence—Defendant is without sufficient information to admit or deny this allegation therefore it is denied.

Third sentence—Defendant is without sufficient information to admit or deny this allegation therefore it is denied.

- First sentence—Admitted.

Second sentence—Admitted.

Third sentence—Defendant is without sufficient information to admit or deny this allegation therefore it is denied.

Fourth sentence—Defendant is without sufficient information to admit or deny this allegation therefore it is denied.

Fifth sentence—Denied.

Sixth sentence—Defendant is without sufficient information to admit or deny this allegation therefore it is denied.

Seventh sentence—Admitted. Case was dismissed and ultimately appealed to the Court of Common Pleas, Superior Court and is now

pending before the Delaware Supreme Court.

4. Denied.

5. Denied.

FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim against Defendant upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's complaint is totally meritless and Plaintiff is committing malicious prosecution by pursuing such claims.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's complaint is totally meritless and Plaintiff is committing malicious prosecution by pursuing such claim and is in violation of Superior Court Civil Rule 11.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the Doctrine of Res Judicata.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims have been previously decided by other Courts or are pending before other Courts awaiting final disposition.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff is barred from bringing claims on behalf of her husband.

SEVENTH AFFIRMATIVE DEFENSE

Defendant reserves the right to add any additional affirmative defenses discovered during the discovery process.

WHEREFORE, Defendant demands that Plaintiff's actions be dismissed

and award Defendant attorney's fees, Court costs, and any other relief deemed reasonable by the Court due to the fact that Plaintiff's complaint is meritless and brought as an attempt to harass the Defendant

LIGUORI, MORRIS & YIENGST

/s/Gregory A. Morris
GREGORY A. MORRIS, ESQ.

46 The Green
Dover, Delaware 19901
(302) 678-9900
Bar ID. 3014
Attorney for Defendant

DATED: November 15, 2006

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY**

NINA SHAHIN,	: C.A. NO.: 06-10-027 RBY
	:
Plaintiff,	: NON-ARBITRATION
	:
v.	:
	:
DEL-ONE DELAWARE FEDERAL	:
CREDIT, UNION, Formerly DE	:
FEDERAL CREDIT UNION	:
Defendant.	:

DEFENDANT'S ANSWERS TO FORM 30 INTERROGATORIES

1. Give the name and present and last known residential and employment address and telephone number of each eyewitness to the incident which is the subject to the litigation.

ANSWER:

Plaintiff and various representatives of Del-One and Delaware Federal Credit Union.

2. Give the name and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER: In addition to the answer given to Interrogatory #1, the following individuals have knowledge of the facts relating to the litigation:

Personnel of the Justice of the Peace Court 16.
Court personnel of Court of Common Pleas of Kent County Delaware
Court personnel of Delaware Superior Court
Court personnel of Delaware Supreme Court.
Personnel of Liguori Morris & Yiengst.

3. Give the names of all persons who have been interviewed in connection with the above litigation, including the names and present or last known residential and employment

addresses and telephone numbers of the persons who made said interviews and the names and present or last known

residential and employment addresses and telephone numbers of persons who have the original and copies of the interview.

ANSWER: None other than those protected by attorney/client privilege.

4. Identify all photographs, diagrams or other representations made in connection with the matter in litigation, giving the name and present or last known residential and employment address and telephone number of the person having the original and copies thereof. (In lieu thereof, a copy can be attached.)

ANSWER: None.

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER: No experts have been retained at this time, if experts are required, it is anticipated that one or more of the medical providers listed in the answer to Interrogatory #2, above, will be retained.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- a. The name and address of all companies insuring the risk;
- b. The policy number(s);
- c. The type of insurance; and
- d. The amount of primary, secondary, and excess coverage.

ANSWER:

None known at this time by Defendant.

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

ANSWER: Not applicable

LIGUORI, MORRIS & YIENGST

/s/Gregory A. Morris
GREGORY A. MORRIS, ESQ.
46 The Green
Dover, Delaware 19901
(302) 678-9900
Bar ID. 3014
Attorney for Defendant

DATED: November 15, 2006

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY**

NINA SHAHIN,	:	C.A. NO.: 06-10-027
Plaintiff,	:	NON-ARBITRATION
v.	:	
DEL-ONE DELAWARE FEDERAL CREDIT, UNION, Formerly DE FEDERAL CREDIT UNION	:	
Defendant.	:	

AFFIDAVIT

**STATE OF DELAWARE }
KENT COUNTY } S.S.**

BE IT REMEMBERED that on this 15th day of November, A.D. 2006, personally came before me, the Subscriber, a notary public in and for the State and County aforesaid, Rene Thompson, who by me duly sworn according to law, did depose and say that she is a representative of the Defendant in the foregoing matter and that the foregoing Defendant's Answers to Form 30 Interrogatories are true and correct to the best of her knowledge, information and belief.

Rene Thompson

SWORN TO AND SUBSCRIBED before me on the date and year aforesaid.

A photograph of a signature and a circular notary stamp. The signature, which appears to be "Gregory A. Morris", is written in black ink. Below the signature is a circular notary stamp with a decorative border. The text inside the stamp reads "NOTARY PUBLIC", "DEPARTMENT OF STATE", "STATE OF DELAWARE", "NOTARIES PUBLIC", and "NOTARIES PUBLIC". The stamp is partially overlapping the signature.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

NINA SHAHIN,	:	C.A. NO.: 06-10-027 RBY
	:	
Plaintiff,	:	NON-ARBITRATION
	:	
v.	:	
	:	
DEL-ONE DELAWARE FEDERAL	:	
CREDIT, UNION, Formerly DE	:	
FEDERAL CREDIT UNION	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have caused copies of the foregoing Answer to Complaint and Answer to Form 30 Interrogatories to be served via U.S. Mail upon:

Nina Shahin
103 Shinnecock Rd.
Dover, DE 19904

LIGUORI, MORRIS & YIENGST

/s/Gregory A. Morris
GREGORY A. MORRIS, ESQ.
46 The Green
Dover, Delaware 19901
(302) 678-9900
Bar ID. 3014
Attorney for Defendant

DATED: November 15, 2006

EXHIBIT C

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

NINA SHAHIN,	:	CASE NUMBER: 06C-10-027 RBY
	:	
v.	:	NON-ARBITRATION
	:	
DEL-ONE DELAWARE FEDERAL	:	TRIAL BY JURY DEMANDED
CREDIT UNION,	:	
	:	
Defendant.	:	

SUBSTITUTION OF COUNSEL

PLEASE ENTER THE APPEARANCE of Monté T. Squire, Esquire, of the law firm of Young Conaway Stargatt & Taylor, LLP, as attorney for Defendant Del-One Delaware Federal Credit Union.

PLEASE WITHDRAW THE APPEARANCE of Gregory A. Morris, Esquire, as attorney for the Defendant Del-One Delaware Federal Credit Union.

LIGUORI, MORRIS & YIENGST

/s/Gregory A. Morris
GREGORY A. MORRIS, ESQ.
46 The Green
Dover, Delaware 19901
(302) 678-9900
Bar ID. 3014
Attorney for Defendant

YOUNG CONAWAY STARGATT & TAYLOR,
LLP

/s/ Monté T. Squire
MONTÉ T. SQUIRE, ESQUIRE
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
(302)571-6713
Bar ID. 4764

SO ORDERED this _____ day of _____, 2006.

JUDGE

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

NINA SHAHIN,	:	CASE NUMBER: 06C-10-027 RBY
v.	:	NON-ARBITRATION
DEL-ONE DELAWARE FEDERAL CREDIT UNION,	:	TRIAL BY JURY DEMANDED
Defendant.	:	

CERTIFICATE OF SERVICE

This is to certify that the Defendant's Substitution of Counsel was served
to:

Nina Shahin
103 Shinnecock Rd.
Dover, DE 19904

via First-Class Mail on the 22 day of November, 2006.

LIGUORI, MORRIS & YIENGST

/s/Gregory A. Morris
GREGORY A. MORRIS, ESQ.
46 The Green
Dover, Delaware 19901
(302) 678-9900
Bar ID. 3014
Attorney for Defendant

DATED:11/22/06

EXHIBIT D

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

NINA SHAHIN, : CASE NUMBER: 06C-10-027 RBY
v. :
NON-ARBITRATION
DEL-ONE DELAWARE FEDERAL : TRIAL BY JURY DEMANDED
CREDIT UNION, :
Defendant. :
:

SUBSTITUTION OF COUNSEL

PLEASE ENTER THE APPEARANCE of Monté T. Squire, Esquire, of the law firm of Young Conaway Stargatt & Taylor, LLP, as attorney for Defendant Del-One Delaware Federal Credit Union.

PLEASE WITHDRAW THE APPEARANCE of Gregory A. Morris, Esquire, as attorney for the Defendant Del-One Delaware Federal Credit Union.

LIGUORI, MORRIS & YIENGST

/s/**Gregory A. Morris**
GREGORY A. MORRIS, ESQ.
46 The Green
Dover, Delaware 19901
(302) 678-9900
Bar ID. 3014
Attorney for Defendant

YOUNG CONAWAY STARGATT & TAYLOR,
LLP

/s/**Monté T. Squire**
MONTÉ T. SQUIRE, ESQUIRE
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
(302)571-6713
Bar ID. 4764

SO ORDERED this _____ day of _____, 2006.

JUDGE

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

NINA SHAHIN, : CASE NUMBER: 06C-10-027 RBY
: :
v. : NON-ARBITRATION
: :
DEL-ONE DELAWARE FEDERAL : TRIAL BY JURY DEMANDED
CREDIT UNION, : :
: :
Defendant. : :

CERTIFICATE OF SERVICE

This is to certify that the Defendant's Substitution of Counsel was served

to:

Nina Shahin
103 Shinnecock Rd.
Dover, DE 19904

via First-Class Mail on the 22 day of November, 2006.

LIGUORI, MORRIS & YIENGST

/s/Gregory A. Morris
GREGORY A. MORRIS, ESQ.
46 The Green
Dover, Delaware 19901
(302) 678-9900
Bar ID. 3014
Attorney for Defendant

DATED:11/22/06

EXHIBIT E

CERTIFICATE OF SERVICE

I, NINA SHAHIN, CPA

Hereby certify that one copy of this MOTION FOR SANCTIONS AGAINST THE ATTORNEYS, THEODORE J. SEGLETES, III AND NORMAN H. BROOKS UNDER RULE 11 OF FEDERAL RULES OF CIVIL PROCEDURES have been personally served today, August 12th, 2008 to the attorneys at the following addresses:

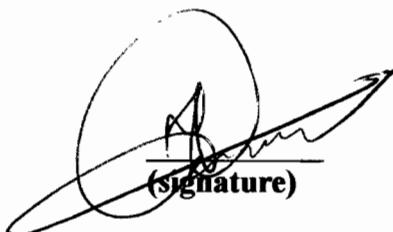
Kevin R. Slattery
Deputy Attorney General
Carvel State Office Building
829 North French Street/ 6th Floor
Wilmington, DE 19801

Richard H. Morse
Young Conaway Stargatt & Taylor LLP
The Brandwine Building
1000 West Street, 17th Floor
Wilmington, DE 19899-0391

Norman H. Brooks, Jr.
Marks, O'Neal, O'Brian & Courtney, P.C.
913 North Market St., Suite 800
Wilmington, DE 19801

Theodore John Segletes, III
Marks, O'Neal, O'Brian & Courtney, P.C.
913 North Market St., Suite 800
Wilmington, DE 19801

Date: August 12th, 2008



(signature)

Nina Shahin, CPA